

BYLAWS OF THE

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FEB 25 2021

S.D. SEC. OF STATE

# LIBERTARIAN PARTY OF SOUTH DAKOTA

As Amended on January 28, 2021

Filed this 25<sup>th</sup> day of  
February 2021  
Steve Barnett  
SECRETARY OF STATE

# BYLAWS OF THE LIBERTARIAN PARTY OF SOUTH DAKOTA

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## ARTICLE I: NAME AND PURPOSE

These by-laws shall govern the Libertarian Party of South Dakota, a political party organized under the laws of South Dakota. Throughout these by-laws, the terms “party” and “LPSD” may be used interchangeably, referring to the same entity. The purpose of the LPSD is to promote libertarian solutions to contemporary problems through the political process.

## ARTICLE II: MEMBERS

Section 1. Anyone who has been registered in South Dakota as a Libertarian for 60 consecutive days or who has been a member of the U.S. National Libertarian Party for 60 consecutive days is eligible to become a voting member. Notwithstanding, all registered Libertarians shall be able to vote in elections at conventions.

Section 2. Membership fees for the following year shall be set by the Executive Committee (“ExCom”) no less than three (3) months after the annual meeting, to become effective upon official notification to the membership. Membership shall run for twelve months following payment of dues. Dues may be paid in part by providing service/labor at a rate approved by the ExCom. Until the first annual meeting under these bylaws the dues shall be ten (10) dollars per year with an option of Lifetime membership for a one time donation of two hundred and fifty (250) dollars. Once a member becomes a Lifetime member they would no longer be required to pay the yearly membership dues to maintain membership in good standing.

Section 3. Dues will be paid prior to the start of “Call to Order” of the annual LPSD State Convention.

Section 4. Members must be present at meetings to vote, or provide written proxies.



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## ARTICLE III OFFICERS AND EXECUTIVE COMMITTEE

Section 1. Officers and Regional Coordinators. Members filling the positions of Executive Committee Officers, Regional Coordinators, and State-At-Large must be current paid members of LPSD and reside in South Dakota. The following positions shall be filled by election during the annual Party meeting: Chair, Vice-Chair, Membership Director, Treasurer, Communications Director, State At-Large, and three Regional Coordinators (East River, West River, Sioux River)

Section 2. Duties of Officers:

**Chair:** The Chair or a member of the ExCom designated by the Chair shall conduct all statewide meetings of the LPSD and the ExCom. The Chair or the Chair's designee shall be one of the LPSD delegates to the National Libertarian Party convention. The Chair has authority to speak on behalf of LPSD for all public relations activities and other duties assigned by the ExCom. The Chair will appoint him or herself, the Vice Chair, The Secretary, and/or the Treasurer to an appropriate Regional Committee for the purposes of collecting donations made to the party at regional meetings.

**Vice-Chair:** The Vice-Chair shall be the chief assistant to the Chair holding such executive powers as the Chair shall delegate, and shall perform such duties as shall be assigned by the Chair or the ExCom. The Vice-Chair shall make an annual report to the ExCom. The Vice-Chair shall perform or make provisions for performance of any legal assistance the party may require. If the office of the Chair becomes vacant, the Vice-Chair shall conduct meetings of the ExCom and the LPSD until the office of chair is filled.

**Membership Director:** The Membership Director shall be responsible for keeping records of the party membership. To keep up to date records of State party membership and National membership, and a separate list of registered Libertarians in South Dakota. Name, address, email if possible for records and notifications of party activities.

**Treasurer:** The Treasurer shall receive all money paid to the LPSD, or be given receipt of all monies, and shall deposit, if not previously done so by another elected officer, the same in such bank or banks as have been designated by the ExCom, and shall disburse said money upon order of the ExCom. Treasurer shall make a complete financial report to the ExCom and at least annual reports to the membership. Treasurer shall perform all duties required of this office by applicable federal and state law.

**Secretary:** The Secretary shall be responsible for communicating activities of the ExCom and state meeting to the membership. The Secretary shall keep minutes and records as needed for recording the activities of the ExComm and meeting, and communicate these to members. Also saving records for future use/referencing purposes.





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**Communications Director:** The Communications Director can act on behalf of the LPSD for all media requests, social media posts, television/radio appearances, live events, and interview requests. He or She will also be responsible for helping write articles, news, and announcements via the official party website. Will also contribute to organizing events of all types. The Communications Director reports to the State Chair.

**State At-Large:** The State At-Large acts as an ambassador for the party and may take on any role assigned by the State Chair for temporary or emergency purposes. At-Large does not have any specific defined role and exists to be a flexible member. At-Large reports to the State Chair.

**Regional Coordinators:** The Regional Coordinators shall conduct quarterly gatherings (meetings, booth, volunteer work, outreach) with members of the LPSD within their designated region. The Regional Coordinators shall assist in recruiting legislative candidates, shall organize petitioning teams to assist Libertarian candidates in achieving ballot access within their designated region. The Regional Coordinators shall gather names, addresses, and emails from Libertarian members within their region, relay that collected data to the Membership Director, and assist LPSD members in organizing county party and other affiliates of LPSD within their designated region. Regional Coordinators are recommended to organize a Regional Committee to assist in their responsibilities. All monetary donations to the party made at Regional Meetings must be forwarded to the party Treasurer for deposit (though Secretary, Chair, and Vice-Chair may also accept said funds for deposit). The Regional Coordinators act as ambassadors for the party, and may take on any role assigned to by the State Chair for temporary or emergency purposes.

- The West River Regional Coordinator designated Legislative Districts are as follows: 21, 26, 23, 24, 28, 29, 30, 31, 32, 33, 34, and 35.
- The East River Regional Coordinator designated Legislative Districts are as follows: 1, 2, 3, 4, 5, 7, 8, 19, 20, 23, and 22.
- The Sioux River Regional Coordinator designated Legislative Districts are as follows: 6, 9, 25, 17, 16, 18, 10, 11, 12, 13, 14, and 15.

Section 3. Executive Committee. The Executive Committee ("ExCom") shall consist of six (6) duly elected officers, plus three (3) duly elected Regional Coordinators, plus three (3) duly elected members at-large. Members elected to the ExCom must be members in good standing of the LPSD. Each Officer and Regional Coordinator will be responsible for maintaining documentation within their area, and they will provide a written report to be passed on to their successor.

Section 4. Regional Committees. Regional Committees may select an appropriate name and shall submit a proposal (including bylaws) to the ExCom. A Regional Committee is recognized by the party upon approval of the proposal by their Regional Coordinator and



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one (1) other officer of the ExCom. Regional Committees must report to their Regional Coordinator. All members must be paid members of LPSD. The Treasurer of each Regional Committee, who shall report to the party Treasurer of the ExCom on a regular basis, must be appointed by the Chair of the ExCom. All monetary donations to the party organized by regional committees must be forwarded to the party Treasurer for deposit (though Secretary, Chair, and Vice-Chair may also accept said funds for deposit). Regional Committees will continue to be recognized unless dissolved by their Regional Coordinator in writing to the ExCom, or until the end of the Regional Coordinator's term.

Section 5. Standing and Ad Hoc Committees. The ExCom shall have the power to appoint committees. It may create and dissolve committees at any meeting of the ExCom by a majority vote.

Section 6. Meetings. The ExCom shall meet at least quarterly at such times and places as may be determined by the action of the committee, by call of the Chair, or by the written request of at least two (2) members of the ExCom. It may meet more frequently as necessary and per request of one-third ( $1/3$ ) of the members. Either a written, telephone, or e-mail notice shall be given at least fourteen (14) days before a meeting. The ExCom may transact business by mail, telephone, or electronic media. The ExCom shall be prohibited from conducting any closed-door meetings and will not disallow any Party member in good standing from attending meetings.

Section 7. Quorum. A quorum is present when two-thirds ( $2/3$ ) of the membership of a committee is present.

Section 8. Voting. A majority vote of those present at a meeting shall rule. In the event of a tie, the proposed action, business, or resolution fails.

Section 9. Term of Office. Terms of office for the ExCom officers, Regional Coordinators, and State At-Large members shall be the two (2) calendar years following their election to office, unless 1) term is shortened/lengthened due to immediate commission by approval of ExCom at convention, or 2) if fulfilling the remainder of predecessor's term. A member may serve unlimited consecutive terms of office.



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## **ARTICLE IV: CONVENTIONS AND MEETINGS**

Section 1. Annual Convention and Party Meeting. The annual meeting shall be held at a date, time, and place determined by the ExCom with the provision that the dates should normally be during the period between 1 April and 31 June. The annual state convention must be held at least 1 week prior to the national Libertarian Party State Convention.

Section 2. Notice of Convention. Notices of the Convention will be communicated by any or all means deemed reasonable to all registered LPSD members, and other registered Libertarians in South Dakota (when such names and addresses are known) at least fourteen (14) days prior to the convention date. Such notice shall include the date, time, place, and any proposed actions to be taken by the membership. In addition, press releases of notice of the annual convention shall be submitted to major newspapers in at least Aberdeen, Pierre, Rapid City, and Sioux Falls, at least fourteen (14) days in advance of the annual convention.

Section 3. Special Membership Meetings. A special meeting of the members may be called as determined by the ExCom following the same procedures as Section 2 above.

Section 4. State Party Central Committee. The State Party Central Committee shall meet at the annual party meeting. It may meet more frequently as necessary and per request of one-third (1/3) of the members. Either a written, telephone, or e-mail notice shall be given at least fourteen (14) days before a meeting. The State Party Central Committee may transact business by mail, telephone, or electronic media.

Section 5. With reasonable extenuating circumstances, the Executive Committee, in its sole discretion, shall have the authority to hold any membership meeting or convention remotely via electronic means, provided accessing such means neither costs individual members nor causes unreasonable hardship. An in-person convention shall be deemed preferable in all cases.

The State Party Central Committee shall be prohibited from conducting any closed-door meetings and will not disallow any Party member in good standing from attending meetings.

## **ARTICLE V: NOMINATIONS AND ELECTIONS**

Section 1. Eligibility. To be eligible for any Party office, a candidate must be a member in good standing of the Party and must reside in South Dakota.

Section 2. Nominations and Elections of Officers and Executive Committee. Nominations shall be made by party members. The names of all nominees, in order nominated, shall be clearly posted during the Party meeting and immediately prior to voting. In the event only





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one (1) nomination is made, the Chair shall request a voice acclamation of the nominee from the members present to confirm the acceptance of the nominee. If there are two (2) or more nominations, a secret ballot shall be cast by the members. Two members shall be appointed by the Chair to tally the votes. Any member may inspect the ballots cast and bring discrepancies to the attention of the convention.

Section 3. Political Elections & Endorsement of Political Office Seekers. The party may nominate at convention the offices of U.S. Senate, U.S. House, Governor, any Legislative offices, and any other office listed under South Dakota Codified Law 12-5-21. All other office nominations not listed will be through the primary process. The members are strongly encouraged to endorse Libertarian candidates that have obtained the majority vote from the primary and/or convention election. In the event no primary election was required (only one (1) candidate ran for office on the primary ballot or the candidate decided to seek nomination through convention process), the Chair shall request a secret ballot vote from registered Libertarian voters. Convention election voters shall include any registered Libertarian voters. In the event where there is only one person running for an office seat, the voters have the option to vote for "none of the above". Primary election voters shall include any registered Libertarian, Independents, and other unaffiliated voters.

Section 4. Vacancies in Positions of Officers and Executive Committee. In the event of a vacancy in the office of Chair, the ExCom shall select a member of the ExCom to serve as Chair. In the event of a vacancy in the position of any other officer or member of ExCom, the ExCom shall, within sixty (60) days of notification of said vacancy, choose, by majority vote, a qualified and consenting member of the LPSD to serve the remaining term of office in said position.

Section 5a. Voting & Majority Rule. In any Party or ExCom election, excluding by-law votes, a majority vote shall be obtained by utilizing rank choice voting from all present party voters. Voters may vote for multiple candidates running for the same office by numbering their choices in descending order. Upon counting the votes, if no candidate wins with a true majority, the candidate with the lowest number of votes will be eliminated. The ballots that selected the eliminated candidate will have their next choice counted and it will continue until two candidates are remaining. When there are only two candidates running for an office and a tie occurs, additional ballots will be issued until a majority winner has been selected. Members always have the right to vote for "NONE OF THE ABOVE". If "NONE OF THE ABOVE" wins a majority of the votes cast, nominations will be reopened. The office may be filled by reopening nomination and holding another vote. In the event of a candidate ballot that ends in a tie, and it becomes necessary to break that tie, the following rules shall apply:

- All ties shall be broken via coin toss, verifiable by at least two witnesses, with as many rounds as needed to determine the winner(s). All coin tosses shall be conducted using a coin with sides showing a distinctive heads and tails, and each





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toss shall be flipped into the air and permitted, free of any interference, to land on a reasonably level surface, preferably a floor, to allow a distinctive result of heads or tails.

- The Chair shall perform all coin tosses (unless Chair is a tied candidate, in which any ExComm member, not also a tied candidate, may fill in for said purpose). Chair will provide a separate toss of the coin for each tied candidate, with said candidates calling heads or tails, just prior to their respective turn. If NOTA is a tied candidate, it's call shall always be heads.
- At the completion of each round, each candidate with a correct prediction during said round, shall move on to the next round. Each candidate with an incorrect prediction during said round will be eliminated. However, if at the end of said round, there is lower number of candidates with correct predictions than the number of remaining said positions available, then; a) candidate(s) with correct prediction in said round shall earn one of said positions, and, b) candidate(s) with incorrect prediction in said round shall be reinstated to next round to fill position(s) not yet filled.
- Above process shall continue until a round ends with each position(s) being filled by a single candidate.

Section 5b. Secretary, or other member acting on behalf, shall record the results of election of officers, and immediately gather signatures of newly elected Chair, Vice-Chair, Treasurer, and Secretary, (along with any additional detail as may be required to exercise Section VI bylaws). A copy shall be given to each of the aforementioned members for the purpose of carrying out any respective duties mentioned, or otherwise generally accepted.

Section 6. National Libertarian Party Convention Delegates. At the Party Convention or at a special membership meeting prior to the National Libertarian Party Convention, the members shall nominate members to serve as state co-delegates with the Chair or the Chair's designate. Nomination and election procedures shall be as for Party Officers and ExCom. Vacant delegate positions may be filled by appointment.

## **ARTICLE VI: FINANCE AND ACCOUNTING**

Section 1. Budget and Membership. The budget and membership shall run concurrently and begin with 1 January and end with 31 December of each year.

Section 2. Disbursements and Deposits. All disbursements shall be made by check, or debit card, from a checking account authorized by the ExCom. Endorsements of checks, debit card payments, withdrawals, or other expenditures shall be made by the Treasurer, or the Secretary in Treasurer's absence. NOTE: Any payments by the other ExComm members will be of their own accord to be submitted to ExComm and subject to approved





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reimbursement. Deposits may be made by the four (4) aforementioned ExCom members into approved accounts with all receipts sent to the Treasurer.

Section 3. Borrowing. Any new bank account, loan, lease, investment account, real estate transaction, or other financial account requires the approval of the acting Chair, Vice-Chair, Treasurer, and Secretary, which shall be recorded in the minutes and signed by the Chair and recorder of minutes, a copy of which is to be submitted to the proper banking/business entity involved.

Section 4. Changes. Changes to members listed on accounts shall be made by the Treasurer, or Secretary in Treasurer's absence, with signed letter of approval of the Chair, or Vice-Chair in Chair's absence.

### **ARTICLE VII: BYLAWS AMENDMENTS**

Section 1. Required Vote. The bylaws of the LPSD may be added to, changed, amended, replaced, or revoked by 75% of the members present at any membership meeting of the LPSD or any special membership meeting of the LPSD.

Section 2. Notification. Recommended additions, changes, amendments, replacements and revocations shall be inserted in the notice of the convention or meeting given to each member (Article IV, "Meetings").

Section 3. Legislative Districts. Bylaws in Article III Section 2 regarding the apportionment of Legislative Districts to the West River, East River, and Sioux River Regional Coordinators may be amended by the ExCom in any event that 1.) The borders of Legislative Districts change by law 2.) A consensus is reached between Regional Coordinators to give or swap Legislative Districts under their representation which retains balance to the three (3) prescribed regions. Notice of additions, changes, amendments, replacements and revocations in Article III Section 2 regarding the reapportionment of Legislative Districts to the West River, East River, and Sioux River Regional Coordinators shall be made available to members residing in the reapportioned Legislative Districts. In the event that reapportionment of Legislative Districts is required by these ByLaws, or requested by ExCom, a special membership meeting shall be called to request approval of amendments to Article III Section 2.



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## **ARTICLE VIII: MISCELLANEOUS**

Section 1. Recordkeeping. The LPSD shall keep complete books and records. Written minutes of the ExCom and member's meetings shall be preserved.

Section 2. Annual Report. The Treasurer shall prepare an annual financial report for distribution to the membership during the annual meeting. The Treasurer shall also prepare required reports for the State of South Dakota, to be signed by the Chair.

Section 3. Emergency Meetings. In case of an emergency action, the ExCom and/or the State Party Central Committee may hold a meeting or convention, notwithstanding Article 4, Section 5, with a twenty-four (24) hour notice by the most feasible means possible to include in-person, telephone, radio, or other electronic communication.

Section 4. Parliamentary Authority. Roberts' Rules of Order, Newly Revised, shall be the parliamentary authority for all matters of procedure not specifically covered in the bylaws or rules of the Party.

Section 5. Malfeasance: Removal from Office of ExCom Officers, Regional Coordinators, or At-Large Members. Only in the event of an accusation by a LPSD member, of malfeasance or conviction of the commission of a felony on the part of any Officer or Member of ExCom, the remaining officers and members of ExCom shall meet within fourteen (14) days, by personal or electronic means, to hear evidence and to make a decision as to whether to remove the accused from office. A majority vote of the non-accused officers and members of ExCom shall be necessary to remove any other member of ExCom. The accused shall have the opportunity to present witnesses and a defense, and shall have the right to be present at all deliberations, and shall have the right to witness a non-secret vote on the removal question. "Malfeasance" shall be defined as significant dereliction of duty, or significant violation of the Bylaws of LPSD, or stealing from LPSD.

Section 6. Local Affiliates. LPSD members may, within a given jurisdiction (legislative district, county, municipality, precinct, or ward), organize a local affiliate, with at least three (3) LPSD members. The affiliate may select an appropriate name and submit a proposal (including bylaws) to the ExCom, and is recognized by the party upon approval of the proposal by the ExCom. An affiliate continues to be recognized as long as it shall annually report in writing or verbally to the ExCom or Annual State Convention. Jurisdictions with less than (3) LPSD members may be recognized by the ExCom as provisional affiliate, upon application. .

## **ARTICLE IX: EFFECTIVE DATE**

These bylaws become effective immediately upon approval by the membership.





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### **ARTICLE X: COUNTY/MUNICIPALITY/PRECINCT/STATE COMMITTEES**

Section 1. LPSD members and registered Libertarians may in each precinct organize a precinct committee consisting, at minimum, of a chairman and chairwoman, and up to five members or (10) percent of the local registered Libertarian voters, whichever is greater.

Section 2. The precinct committee chairman and chairwoman shall be elected as provided by SDCL 12-5. Remaining members of the committee shall be elected in open meeting of the Libertarian Party voting members of the precinct.

Section 3. Each precinct committee shall function as the local affiliate for its precinct, as provided in ARTICLE VIII Section 6, regardless of the number of LPSD members in the precinct.

Section 4. The precinct committee shall act as the local point of contact for all local government agencies, shall coordinate party activities in the precinct, and shall perform such duties as determined by the ExCom, their designated Regional Committee, and the precinct committee.

Section 5. Two (2) or more precinct committees may organize and elect a municipality and/or county central committee, with approval of the ExCom or the Annual State Convention, which shall be organized in like manner as, as have the same responsibilities as, the precinct committee.

Section 6. The State Party Central Committee shall consist of individuals designated by county party central committees and the members of the ExCom representing unorganized counties. The party chair shall be the State Party Central Committee chair unless the State Party Central Committee designates another member to act in that capacity.

**--- END OF BYLAWS ---**

**Respectfully Submitted to  
the S.D. Secretary of State  
this 25th day of February, 2021.**

**A. Gideon Oakes  
State Chairman**

